

Application No. 10/809,680
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Reply to the Office Action dated October 4, 2007
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REMARKS/ARGUMENTS

Claims 1-47 are pending in this application. By this Amendment, Applicant amends Claims 30 and 47.

Applicant appreciates the Examiner's indication that Claims 2-16, 18-29, and 32-46 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicant notes that it appears that the Examiner inadvertently included Claim 46 in the listing of allowable claims because Claim 46 is rejected on the ground of non-statutory obviousness-type double patenting.

Claims 30 and 47 were rejected under 35 U.S.C. § 101 because the invention claimed therein is allegedly directed to non-statutory subject matter. Applicant has amended Claims 30 and 47 as suggested by the Examiner. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 1, 17, 31, and 46 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 17, 6, 14, and 6, respectively, of U.S. Patent No. 7,243,009.

In the accompanying Terminal Disclaimer, Applicant has disclaimed the terminal portion of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of commonly owned U.S. Patent No. 7,243,009. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 1, 17, 31, and 46 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 17, 6, 14, and 6 of U.S. Patent No. 7,243,009.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-47 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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